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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,	)	<b>CASE NO. 3:23-CR-00030-SI</b>
14	)	
15 Plaintiff,	)	<b>GOVERNMENT’S TRIAL MEMORANDUM</b>
16	)	
17 v.	)	
18	)	
19 OLVIN ISAAC GUTIERREZ-NUNEZ, et al,	)	
20	)	
21 Defendants.	)	
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In accordance with the Court’s Standing Order on Criminal Trials, the government hereby  
submits its Trial Memorandum.

1       **I. BACKGROUND AND LEGAL BASIS FOR THE CHARGES**

2           This case involves an investigation into drug trafficking activity committed by Carlos Cruz  
3 Medina (also known as Marvin Alexander Rodriguez Flores), and Olvin Isaac Gutierrez Nunez. The  
4 investigation began with Nunez's repeated sale of fentanyl to an undercover officer in early 2022. This  
5 investigation resulted in a search warrant executed on October 13, 2022, at a residence occupied by both  
6 defendants. During execution of the search warrant, officers recovered narcotics, a firearm, and  
7 paraphernalia used to create fentanyl.

8           On February 1, 2023, a federal grand jury in the Northern District of California returned an  
9 indictment charging Nunez with possession with intent to distribute 40 grams and more of fentanyl, in  
10 violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vi) (Count 1), and Cruz Medina with possession with  
11 intent to distribute 40 grams and more of fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and  
12 (b)(1)(B)(vi) (Count 2), and with intent to distribute 50 grams and more of a mixture and substance  
13 containing methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(viii) (Count 3). Cruz  
14 Medina was arraigned on February 2, 2023. *See* Dkt. 31. Nunez was arraigned on February 16, 2023.  
15 *See* Dkt. 37. Both defendants pleaded not guilty the charges. *See* Dkt. Nos. 31, 37. This Court later set  
16 the matter for trial to begin August 14, 2023, when the Defendants exercised their right to a speedy trial  
17 under 18 U.S.C. § 3161(c)(1). *See* Dkt. Nos. 85, 86.

18       **II. ANTICIPATED EVIDENCE**

19           The government will rely primarily on documentary evidence and testimony, including the  
20 testimony of officers who conducted the arrest and search of the Defendants' residence. The  
21 government intends to show portions of the officers' body-worn camera footage. The government also  
22 intends to introduce physical evidence recovered from the search of the Defendants' residence, including  
23 the narcotics and a firearm recovered at the scene.

24           The government also plans to introduce expert testimony regarding DNA, drug trafficking, and  
25 cell site data.

26       **III. EVIDENTIARY BASIS, PROCEDURAL, AND ANTICIPATED LEGAL ISSUES**

27       **Evidentiary Basis**

28           The government has filed a series of motions in *limine* seeking the admissibility of the drugs

1 found at the scene of the defendants' arrest, the firearm found at the residence, as well as evidence of the  
2 defendants' drug trafficking activities in the time leading up to their arrest. The government has also  
3 filed a motion in *limine* to limit the cross-examination of San Francisco Police Officer Christina Hayes.  
4 The government expects the motions in *limine* to be contested.

5 Counsel for both defendants filed a motion on July 20, 2023, to exclude evidence and expert  
6 testimony not disclosed in a timely manner pursuant to Federal Rule of Evidence 404(b) and Federal  
7 Rule of Criminal Procedure 16(a)(1)(G). While there is no ordered deadline for disclosure of this  
8 evidence, the government has disclosed the name and anticipated testimony of its expert witnesses in its  
9 witness list. The government will provide additional disclosures under rule 404(b) and 16(a)(1)(G) as  
10 soon as possible.

11 The deadline requested by Cruz Medina's counsel for any evidence under *Brady*, *Giglio*, and its  
12 progeny is Monday, July 24, 2023, which the Court adopted. *See* Dkt. 85. The government intends to  
13 provide evidence subject to its disclosure obligations as ordered by the Court.

14 **Legal Issues**

15 The government is currently not aware of any additional disputed legal issues not outlined in its  
16 motions in *limine*. Should any issues arise, the government will work to resolve and narrow any legal  
17 issues.

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19 DATED: July 20, 2023

Respectfully submitted,

20 ISMAIL J. RAMSEY  
21 United States Attorney

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23 /s/  
HILLARY T. IRVIN  
24 SOPHIA COOPER  
25 Assistant United States Attorneys  
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2 **CERTIFICATE OF SERVICE**

3 I hereby certify that a true and correct copy of the above motion was served on July 20, 2023, on all  
4 parties of record using CM/ECF.

5 Sincerely,

6 /s/  
7 **HILLARY T. IRVIN**  
8 Assistant United States Attorney  
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